

1 are many rooms in a school. You have to have a certain
2 diligence by those who are delivering. Because, if you give
3 me the alternative- you say, "All we have here is that.
4 There is nothing else." I would then be in agreement. But, I
5 don't agree with you, because that is not the case. In
6 schools you have many rooms and you should do that job
7 diligently in order to select the best option. It is my
8 opinion that that was not done. In view of the facts that I
9 was able to obtain, which appear in my report.

10 Q You didn't go around to check all the schools to
11 find out in which rooms had electrical outlets did you?

12 A Of course not. 1,540 schools, with I don't know
13 how many classrooms. It is a simple point, Counsel, and I
14 want to go back. If I am going to deliver some equipment
15 that requires electricity, I must go and see where would be
16 the best place to be able to deliver the equipment and
17 comply with what I was contracted for. This doesn't mean
18 that I have to visit every room. The thing is that that job
19 was not done. The equipment was just delivered and they
20 left. Their practice was, just find someone to sign for it.
21 That is my point. That is the bottom line.

22 Q And that was done before you got there, right?

23 A Yes. What percentage I cannot tell you. Remember
24 that I told you that the inventory had nothing. But, during
25 the period of time that I worked with DRC I was able to

1 collaborate at many schools where part of the equipment had
2 not been delivered. How much I asked about many times.
3 Certainly, on occasions, I was told, "I have 60 left, I have
4 70". On the other hand, I received calls from the schools
5 that the equipment was left disconnected. That they had left
6 the boxes there. That they did not have access to the
7 Internet. It was a critical situation. I mean, the Net was
8 in a chaotic state. We tried to raise it- we wanted to- but
9 it was a very, very difficult situation. It was to such a
10 point that after six or ten months working with DRC... there
11 were long, long hours. DRC was able to provide access to the
12 Internet to 200 and some- I don't remember the number- but
13 it didn't reach 300 schools. To make such an effort, that
14 shows you that there is something that is not right.

15 Q OK, I was trying to talk about electrical supplies
16 in the schools. Let me ask another question and see if maybe
17 we can address that. Did anybody other than you, from the
18 Department of Education, do a survey of the standards of
19 conditions of the electrical supplies in the various
20 schools?

21 A I have no knowledge of such a study. In that case,
22 the authority- what is it called, the Office for the
23 Improvement of Public Schools. I suppose that as part of
24 their work they have to perform that kind of work. They
25 either want to offer support to the infrastructures of the

1 schools. Remember that the study I did was to obtain
2 inventory and make observations. It was simply a job under
3 the operational point of view. The only thing in my mind
4 was, one, how do I provide Internet access to these schools?
5 I so stated to the supplier- meaning DRC and PRT.

6 Q One of the things that you need to accomplish that
7 goal is adequate electricity in the schools, right?

8 A Yes. I have already told you that in order for us
9 to provide Internet access we need the electricity. If not,
10 it doesn't work.

11 Q Then why don't you address the need for
12 electricity in the schools as part of the overall goal of
13 providing the Internet,
14 if without electricity you cannot have the Internet?

15 A I just understand that that is the responsibility
16 of the supplier. If I am going to sell equipment and I know
17 it needs power, I have to find it, get it, and put it in the
18 right place. I am not going to put it where there is no
19 electricity. That is what happened, Counsel. In the Phase 2
20 group the model of the equipment is more demanding. It needs
21 more access to electricity. It's not that it is more, what
22 it needs is more access. In the Phase 1 schools, the thing
23 is to adapt it where you can wire it and set the server.
24 With those tables, you may go to other areas, place the
25 computers, and gain access to the Internet. In the wireless

1 schools- which are the Phase 2 schools- you have to energize
2 other equipment to be able to get access to the Internet,
3 because it is wireless.

4 For example, if you install a computer in the
5 library, and you have your server at a distance of three to
6 four classrooms away from the library, you would have to
7 install in the library an access point. And that access
8 point needs electricity. Why? Because, from the antennas it
9 goes on to that access point wireless, and from the access
10 point it gets to the PC- without using wires. You need
11 access to the server- electrical access to the server-
12 electrical access to the access point, and in other places
13 perhaps. But, direct access to the computer. In the computer
14 you need a card like this one; a radio. Then from the access
15 point it sends a signal to the computer in order to have
16 access to the Internet. That type of structure is more
17 demanding of electrical sources.

18 Then during my visits, for example, I found the
19 access point in the library placed on the wall. I checked
20 where the electrical source was. It wasn't on the wall. I
21 looked at the other one. It was probably there. The access
22 point was with the little cable of current, that looked
23 probably like a pendulum. I saw that.

24 Q Now, the access point has to be placed in an
25 optimum location where it will send the signals, right?

1 A Yes, but you can change the orientation of the
2 antennas. You can search for the best signal. You can't just
3 say that it specifically has to be there.

4 Q Can we say that you can put the access point
5 anywhere there is an electrical connection?

6 A On a power point where there is electrical
7 connection and it allows it to see the antenna, which are
8 located outside of the school. That is a design. And the
9 design is made by experts with this type of solution. For
10 example, if you put an antenna going towards that building,
11 you can say, "I see it from here", but you have to come back
12 and calibrate it and place it in the best location to have
13 the best signal. If I cannot connect my access points then I
14 can't do anything.

15 Q What I am trying to find out is, for example, if I
16 only have a source of electricity on one wall at the bottom,
17 are you saying that I can put my access point next to that
18 electrical connection, and somehow move it around and that
19 will be OK to provide the signal?

20 A That is what I would do.

21 Q And, if after you try that you are not getting the
22 signal to the right places, what would you do next?

23 A I don't install it in that school. I am going to
24 go and leave equipment there that needs electricity, and
25 just leave it there, and have someone get some sort of

1 signature knowing that it is not installed, that it cannot
2 be used? No. I just don't take it and don't install it.

3 Q Let me read to you Page 2 of the agreement between
4 the Puerto Rico Department of Education and DRC Corporation.
5 This is Contract #081-2001-0226. At the bottom of Page 2 it
6 reads as follows. Do you have it?

7 A No I don't have it.

8 Q Well, flip through the pages, because I think
9 there is a mistake in the document that you have. It's mixed
10 up.

11 A No, the one that you showed is from another
12 contract.

13 Q Flip----

14 A ----No, wait, this is Page 2.

15 Q Well, that is from another contract, though. Read
16 that Page 2 that you have there- which is the correct page
17 of the wrong document I think. "The Department will be
18 responsible for providing the adequate power supply to
19 operate the system and equipment provided by DRC, under the
20 terms of this contract".

21 A Yes, sir.

22 Q Now, the equipment provided by DRC under the terms
23 of this contract was the wireless system, was it not?

24 A Yes.

25 Q And, the Department agreed to provide adequate

1 power supplied to operate that equipment, did it not?

2 A Yes. What do you understand by, adequate source of
3 energy?

4 Q Well, tell me what you understood?

5 A To provide energy at a specific point, in order to
6 install the equipment.

7 Q Sir, if I have to put the power... if I have to
8 put the access point high on a wall to be able to get the
9 signal throughout the school, and there is no outlet up
10 there, who has to put the outlet up there?

11 A There is no reason to put it there, because I
12 wasn't the one who placed it there. My allegation is that if
13 a good design is prepared before you go to install that
14 equipment, that situation would not come up.

15 Q Sir, answer my question, please. If the people who
16 install the equipment found that the best place to install
17 the access point was high on a wall, and there was a need to
18 have an electrical outlet there to provide electrical supply
19 to the access point, who had the electrical outlet there
20 next to the access point. Would you answer my question first
21 and then you can say anything you want.

22 A DRC.

23 Q Why?

24 A Very well. Because the contract establishes that
25 they had to provide the equipment, they had to install it in

1 an adequate place----

2 Q ----Adequate for what?

3 A To provide Internet access to the school.

4 Q And if the best place is up there, so that up
5 there he can send the signal throughout the school, who will
6 have to provide the electricity up there to connect the
7 access point?

8 A If you will allow me to finish with the first
9 question. It has to provide the equipment and it has to
10 install the equipment at the right place. It has to test
11 that equipment. If I am not mistaken, it says so in the
12 contract. I don't have it here. It has to test the
13 equipment, and it has to test the access to the Internet.
14 If, as a provider, I could not have electricity at the point
15 that you are stating, so DRC had to provide it. And they
16 accepted that. They had to do that in order to do what we
17 said, to prove that the school had access to the Internet.
18 They did it. That was part of the recovery plan that was
19 required. That was done on October 31st, of the year 2001.

20 Q So you are saying that the Department of Education
21 required DRC, in October of 2001, to make electrical
22 connections?

23 A Not the way you are asking me, Counsel. They were
24 asked to prepare a plan so that those schools would be able
25 to have access to the Internet. It could have been something

1 electrical. It could have been a bad configuration of the
2 servers, in many cases. It could have been to move the black
3 box from the place where it was set up. Many times to
4 activate the T-1s, because they weren't always activated.
5 Bottom line- get the school up. And, they signed. I have
6 that agreement, and it is signed by Mr. Santos- Diaz.

7 Q Will you provide us with a copy of that?

8 A Gladly.

9 Q Now let's go back to what I was talking about.

10 A Yes, go on.

11 Q Are you saying then- because maybe I'm confused,
12 but I think I got two different answers.

13 A If you tell me where the confusion is I will
14 gladly try to clear it up.

15 Q Did the Department of Education require from DRC
16 that DRC provide electrical connections for any of the
17 equipment that DRC installed in the schools? Yes or no?

18 A No.

19 Q Did you expect that DRC provide electrical
20 connections for any of the equipment that DRC installed, in
21 any of the schools- yes or no?

22 A Yes, sir, in order to test a solution, and prove
23 to the Department that the school had access to the
24 Internet.

25 Q You told me earlier that you, with your own eyes,

1 saw some access points on a wall that were not connected,
2 and had an electric wire like a pendulum. Remember saying
3 that?

4 A Yes, sir.

5 Q And, there was no electrical access near the
6 access point. Is that not right?

7 A Not on that wall, but maybe on the other one.

8 Q Now, when you saw that, did you call an
9 electrician and ask him to put an electrical connection next
10 to that power point so that the power point could be
11 connected?

12 A No.

13 Q Why not?

14 A Because I believe that it was DRC's responsibility
15 to prove that that school had access to the Internet.

16 Q OK, for no other reason? Now, if DRC had connected
17 an extension cord from the access point to the electrical
18 outlet on the other wall, or the wall directly across from
19 it, you would have had a problem with that, right?

20 A No, not if they had done it the right way. Let me
21 explain. It is one thing and I come and I put an extension
22 cord from that wall over to another one- going over the
23 table, and over the wall, and over the blackboard- that is
24 unacceptable, because there are children there. Now, if you
25 come and you lay it out here, with a cover plate here, until

1 I can plug it in, then that is acceptable. That is what was
2 signed on October 31st, 2001, which DRC started doing.

3 Q When you saw the access point not connected, why
4 didn't you do something like you just described for me?

5 A Those were the visits I made to different schools
6 with DRC. For example, they would say there is Internet
7 access at the Albert Einstein School- and that was the case.
8 Then the Director of Albert Einstein School tells me we
9 don't have access in the library. Well, I get in my car and
10 go to the school to see what is happening. I tell DRC to
11 come on over, let's go to the school and see what is
12 happening. While there we were faced with that situation.
13 Counsel, according to the contract, was the product
14 delivered? Was the access tested? There is no compliance
15 with what was agreed upon in the contract.

16 Q The Department of Education said that they would
17 be responsible for providing adequate power supply to
18 operate the equipment and system provided by DRC. Did the
19 Department do what it agreed to do, which was to provide an
20 adequate supply to test the system?

21 A The adequate source of energy in the school was
22 provided, but it was on the other wall.

23 Q Sir, did you take the time when you went to that
24 school, to pick up the access point and move it to the wall
25 where there was power supplied, to see if the access

1 provided what it was suppose to do, from that particular
2 location?

3 A That is not part of the work that the Department
4 of Education has to perform. The results required are that
5 it be a total solution. That service be provided from every
6 point to the different areas in the school.

7 Q With electricity provided by the Department of
8 Education, right?

9 A Well, of course, the source of energy has to be
10 there, otherwise the equipment will not work.

11 Q Sir, using this Albert Einstein School as an
12 example, if the best location for the access point was up
13 there on the wall where it was placed, what should have been
14 done?

15 A What I mentioned before, Counsel. You observe the
16 school, you prepare a design, you locate antennas, you
17 locate access points, you connect everything, you try to get
18 Internet access. The computer tells you what type of signal
19 you are getting, and you can make adjustments. If, under the
20 sign, there was a mistake so that an area has very little
21 signal- and that is normal in wireless Nets- then you have
22 to change the direction of the antennas in order to get the
23 best reception.

24 Q How do you know that that was not done?

25 A Because, on many occasions we went and saw DRC

1 personnel----

2 Q ----I am talking about----

3 A We observed DRC personnel redoing the work, and
4 changing the orientation of the antenna. The bottom line
5 here is that I cannot accept, from a technical point of
6 view, that I have to place that access point there,
7 otherwise I won't have a signal. Not in a wireless
8 environment. That is one of the virtues of the wireless
9 system.

10 Q It requires the placement of the access point in a
11 place that is best for the computers, right?

12 A You can place a computer... we can have access
13 here right now.

14 Q Sir, let me ask you specifically. In the Albert
15 Einstein School are you saying that the access point that
16 you saw, that was not connected in the library, could have
17 been put anywhere in that library? Is that what you are
18 telling me?

19 A Yes. If the sign had been made correctly, it could
20 have been placed----

21 Q ----Have you ever seen wireless communication
22 systems?

23 A That's not what I do for a living.

24 Q Give me the background to tell me what you are
25 telling me, that it can be done by putting these access

1 points anywhere.

2 A I don't do that for a living, but that doesn't
3 mean that I don't read and understand how systems work. You
4 asked if I had done it. Basically, remember that I visited
5 the schools with DRC technicians. I had hi-tech support from
6 people from Microsoft, and also from DRC.

7 Q DRC- they were the experts, right?

8 A I believe they are. They have the knowledge to do
9 the work.

10 Q But, you are here telling me that whatever the
11 experts did, in that particular library- at the Albert
12 Einstein School- was wrong?

13 A No. What I am saying is that the electricity was
14 here, and they placed it there, it is the responsibility of
15 DRC to provide the power so that can work, so that the
16 library has access.

17 Q But, the contract says otherwise, sir.

18 A What I understand that the contract says, is that
19 the Department has to provide power. And the schools have
20 power.

21 Q So, that was----

22 A ----To test equipment, to install equipment, and
23 test the access to the Internet.

24 Q And that was what you have believed the entire,
25 from the time you started with the Department of Education

1 up until today, with respect to the responsibilities of
2 providing power supplies?

3 A Yes, sir. I so stated to DRC, and so stated to
4 it's president, Santos Diaz, who was here this morning. They
5 so accepted to correct all the schools where the work was
6 done incompletely. So they started that plan.

7 Q And based on your understanding of the agreement
8 between DRC and the Department of Education, you required
9 that DRC provide electrical connections to connect any of
10 the equipment that needed some type of connection near it?

11 A For the equipment to work, and the schools to have
12 access to the Internet, which is the final goal of this
13 contract.

14 Q Was it your understanding that DRC was to supply
15 those electrical connections and receive payment for that
16 out of E-Rate funds?

17 A No, that is not my opinion.

18 Q How was DRC going to get paid for that electrical
19 connection work?

20 A If they had done the field work that was necessary
21 perhaps there would not have been the need to do that. I
22 insist that there wasn't any planning, that there was no
23 site survey. They just went install, install, install,
24 because all that had to be delivered- and it had to be done
25 in a year- and it didn't happen in a year. I don't know

1 where it was paid from, I have no knowledge, nor involvement
2 with the E-RATE, and I don't know from where they are going
3 to be paid.

4 Q To be clear, from the beginning of your
5 involvement with
6 the Department of Education up until today, you did not know
7 that E-RATE funds can not be used to make electrical
8 connections? Yes or no?

9 A The thing is I don't get involved with things like
10 E-RATE.

11 Q I know, you told us before, but this is a specific
12 question that requires a yes or no answer. Did you know that
13 E-RATE funds cannot be legally used for electrical
14 connections?

15 A No.

16 Q And, when you asked Mr. Santos in October of 2001
17 to go
18 ahead and do the electrical connections, you did not offer
19 to pay him for those electrical connections with money from
20 the Department of Education other than E-RATE funds, did
21 you?

22 A Let's clarify. I didn't order Mr. Santos to do the
23 electrical connections. The Director of OSIADT summoned him
24 to a meeting and submitted a plan to recover the schools,
25 and to obtain access to the Internet. What each of the

1 companies did- DRC and PRT- to provide access to the
2 Internet, was something that the company offered as part of
3 that requirement that was made on October 31st of 2001.

4 Q So, the Department asked the various contractors,
5 "What do we have to do to get this equipment, that
6 is not working, in operation"?

7 A The Department, through the OSIADT Director, Mr.
8 Anibal Cruz, asked the companies for a recovery plan to
9 provide access to the schools. That is what was requested.

10 Q And, how were they going to be paid for that?

11 A I don't have the slightest idea. The companies
12 provided a recovery plan.

13 Q And they were going to get paid for that?

14 A I don't know. I don't get involved with money,
15 invoices, or anything having to do with E-RATE. My focus has
16 been and is, how to provide Internet access to those
17 schools.

18 Q OK. Let's move away from the electrical items and
19 move to the next one. You had asked me- excuse me, this is
20 part of the electrical- but, you had indicated earlier that
21 the UPS's were connected in what is called a cascade effect,
22 right?

23 A Yes, sir.

24 Q I think that your testimony was that every UPS
25 needs to be plugged independently to an electrical outlet,

1 right?

2 A In order to work adequately, yes.

3 Q If you had four UPS's, then you would need four
4 outlets next to each other, right?

5 A Yes, sir, in the case of Phase 1. Part of what PRT
6 did was to take the electricity- some source of energy-
7 where they were going to place the servers and UPS's through
8 the empty pipes, and then they would put outlets with more
9 than one plug. In Phase 1 that part is already done. Like I
10 said, I don't know if E-RATE pays or not, but that is there.

11 Q In all the Phase 1 schools the electrical
12 connections have been updated like that?

13 A That type of connection was done in the ones I
14 visited. I don't know if it was done in all of them. And
15 then after October 31st, when the recovery plan was
16 requested, PRT offered to wire the 400 schools- specifically
17 the library- and prepare and put an separate electrical
18 panel to send all that electricity to an area where a new
19 box was placed----

20 Q ---- That is an electrical box?

21 A A communications box. Yes, it is an electrical
22 panel, but they placed a new box for the communication
23 equipment, with ventilation. Which is another problem.

24 Q We'll talk about that later, OK? Let's stay on
25 electricity right now.

1 A They set up the communication equipment. They set
2 up the source of energy, which they took from the source
3 that provides energy to the school. They provided Internet
4 access to those 400 schools. I mean, the process started.

5 Q That was after October of 2001?

6 A Yes, sir.

7 Q And you have no knowledge if that electrical work
8 by Puerto Rico Telephone Company was paid with E-RATE funds?

9 A No, sir. What I do remember is that the cost of
10 that was about \$3,000,000. I don't know who paid that or if
11 it's been paid.

12 Q Now, do you expect DRC to do similar work in the
13 Phase 2 schools?

14 A No, sir. What I always expected was for DRC to be
15 able to provide the Internet access that was agreed to.

16 Q If in order to do that DRC needed to do
17 \$3,000,000's worth of electrical work, like PRTC did in the
18 Phase 1 schools, do you expect that DRC will do \$3,000,000's
19 worth of electrical work in the Phase 2 schools?

20 A My personal opinion?

21 Q Yes.

22 A For a contract worth over \$100,000,000? Yes.

23 Q Even if E-RATE funds specifically state under the
24 law that E-RATE funds cannot be used for electrical
25 connections?

1 A I don't know about that part. If you are telling
2 me that is the way that it is, then they shouldn't do it
3 then.

4 Q Let me start here with your report. Page 2,
5 please. Subparagraph I.1. Will you please read this first
6 sentence. You can read it to yourself.

7 MR. CAMILO SALAS: Have we put this in the record?
8 No? OK, let's mark this as Exhibit #6.

9 (AT WHICH TIME EXHIBIT #6 IS MARKED FOR THE DEPOSITION)

10 MR. A. J. BENNAZAR: Let's go off record.

11 (OFF THE RECORD)

12 After the recess,

13 MR. CAMILO SALAS: OK, we are going to stop today,
14 and we are rescheduling the continuation of this Deposition
15 for Monday, October 6th. And, Counsel has agreed to provide
16 us with the documents. We will be providing a list to
17 Counsel.

18 MR. A. J. BENNAZAR: You'll be providing a list
19 today?

20 MR. CAMILO SALAS: We'll fax it to you first thing
21 in the morning, since the secretary probably left.

22 MR. A. J. BENNAZAR: OK, that will be fine. And, I
23 would also like to suggest that we confirm... we have
24 confirmed, I mean, we separated Friday, October 3rd for the
25 Deposition of Dr. Caesar Rey for some time now, but this

1 morning off the record I informally requested brother
2 Counsel if he would agree that because it's the Secretary of
3 Education we make an exception and take the deposition at
4 the Department of Education. Brother Counsel graciously said
5 he would. So, I just want to confirm that for the record,
6 and advise everybody that we will have a nice conference
7 room prepared at the Department of Education, Friday,
8 October 3rd, at 9:00 a.m.

9 Then Monday, October 6th, we will resume here with
10 the continuation of Mr. Adonay Ramirez. Tuesday the 7th, we
11 have the deposition of Lynette Molina. And, Wednesday the
12 8th, the other person from the Department who has been
13 subpoenaed- I believe her name is Edna.

14 MR. CAMILO SALAS: Edna Velazquez.

15 MR. A. J. BENNAZAR: Edna Velazquez, OK.

16 MR. CAMILO SALAS: Let's go off the record.

17 (AT WHICH TIME THE IMMEDIATE PROCEEDINGS CONCLUDED)
18
19
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25

DEPONENT'S CERTIFICATE

I, Adonay Ramirez, hereby () accept () do not accept as correct the transcript of my deposition as prepared and transcribed by Compugrafía, Inc., taken in the date and time hereby indicated in the case of caption.

Adonay Ramirez

Please use the Errata Sheet at the end of the transcript for corrections related to this deposition.

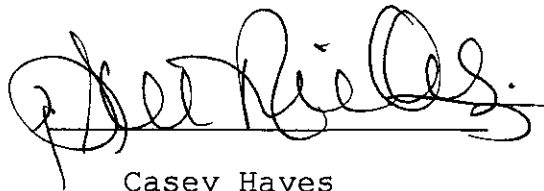
REPORTER'S CERTIFICATE

I, Casey Hayes, E.R. Reporter, member of
Compugrafía, Inc., hereby certify:

That the foregoing transcript is a faithful
representation of the notes and recording taken by me in the
hereby indicated case of caption.

I also certify that I have no relation by blood or
marriage to the parties involved in this case and that I am
not interested in the outcome of the same.

Signed on October 10, 2003, in San Juan, Puerto
Rico.

A handwritten signature in cursive script, appearing to read "Casey Hayes", written over a horizontal line.

Casey Hayes

1
2
3 CERTIFICATE OF NOTARY PUBLIC
45 I, John F. Nevares, Attorney at Law and Notary
6 Public, duly commissioned and qualified in and for the
7 Commonwealth of Puerto Rico, do hereby certify:8 That the foregoing deposition was taken on the
9 date heretofore mentioned; September 18, 2003.10 That the Court Reporter, the Court Interpreter and
11 the Deponent were sworn by me before the commencement of the
12 taking of the testimony.13 In witness whereof I sign the present and
14 affix my notarial seal in San Juan, Puerto Rico, on
15 , 2003.
16
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19 _____
20 John F. Nevares, Esq.21 Notary Public
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ERRATA SHEET

(Specify page and line)

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